REGULATION No. XVIII OF 1923.

(Passed on the 27th day of October 1923.)

THE MYSORE REPRESENTATIVE ASSEMBLY REGULATION.

WHEREAS His Highness the Maharaja has been pleased, under a Proclamation issued on the twenty-seventh day of October 1923, to ordain that the Mysore Representative Assembly shall be placed on a statutory basis ; and — Preamble.

WHEREAS it is expedient to frame a regulation to give effect to this as well as to define the composition, powers and functions of the said Representative Assembly;

His Highness the Maharaja is pleased to enact as follows :—

1. (1) This Regulation may be called the Mysore Representative Assembly Regulation, 1923. — Short title and commencement

(2) It shall come into force from the date of its publication in the official gazette.

2. In this Regulation, unless there be something repugnant in the subject or context— — Definitions.

(1) "Assembly" means the Mysore Representative Assembly,

(2) "Legislative Council" means the Council established under Regulation No. XIX of 1923,

(3) The term "non-official" where used in relation to any person shall mean a person who is not in the civil or military service of the Government: Provided that rules made under this Regulation may provide for the holders of such offices as may be specified in the rules being deemed to be non-officials for all or any of the purposes of this Regulation,

(4) "New tax" means any tax which requires for its imposition the passing of a new Regulation or the amendment of an existing Regulation.

3. (1) There shall be a Representative Assembly for Mysore consisting of members elected or nominated in accordance with the rules made under this Regulation. — Composition of the Assembly.

(2) Membership of the Assembly shall be confined to non-official persons, provided that such officers of Government as may, from time to time, be deputed by Government for the purpose may attend the sittings of the Assembly and take part in the proceedings, but shall not have the right to vote.

(3) The total number of members of the Assembly shall ordinarily be two hundred and fifty, but Government shall have power to increase the strength of the Assembly up to a maximum of two hundred and seventy-five for the purpose of removing inequalities, if any, of representation, and in order to provide for the representation of any new interests or constituencies that may develop in future. Not less than one hundred and fifty members shall consist of representatives of rural areas in accordance with the first schedule hereto; not less than thirty and not more than fifty members shall be representatives of urban areas in accordance with the second schedule hereto; not less than fifteen members shall be representatives of approved special interests in accordance with the third schedule hereto, and not less than thirty-five members shall be representatives of minorities; Provided that

(*a*) all members representing rural and urban areas shall be elected by persons duly qualified under rules made in this behalf ;

(*b*) the representatives of special interests shall be elected by constituencies recognised by the Government for the purpose or, in the absence of constituencies thus recognised, be nominated by the Government ; and

(*c*) the representatives of minorities shall be elected by associations recognised by the Government under rules made in this behalf, or be nominated by the Government for the purpose of removing inequalities, if any, of representation.

(4) Subject to the above conditions and restrictions the Government may make rules as regards the constitution of constituencies and the number of members to be returned by each.

President and Vice-Presidents.

4. The Dewan shall *ex officio* be the President of the Assembly, and the Members of the Council of His Highness the Maharaja shall *ex officio* be Vice-Presidents.

Duration of the Assembly.

5. (1) Every Assembly constituted under Section 3 shall continue for three years from the date of its first meeting, provided that the said term may by notification in the official gazette be extended by the Government by a period not exceeding one year.

(2) After the dissolution of the Assembly the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Assembly.

Supplementary provisions.

6. (1) The Government shall have power from time to time to make rules not inconsistent with this Regulation to carry out all or any of the purposes of this Regulation.

(2) Such rules may, among other things, provide for the following matters, *viz.*—

(*a*) The manner of filling casual vacancies occurring by reason of absence, death, acceptance of office, or resignation duly accepted, or otherwise ;

(*b*) The conditions under which and the manner in which persons may be nominated as members of the Assembly ;

(*c*) The representation of special interests and of minorities ;

(*d*) The qualification of voters, the method of elections and any matters incidental or ancillary thereto ;

(*e*) The qualification for membership of the Assembly;

(*f*) The final decision of doubts and disputes as to the validity of any election and the authorities by which they are to be decided;

(*g*) The place of the meetings of the Assembly, the length and frequency of the sessions and the order and conduct of business to be transacted therein ;

(*h*) The preservation of order at the meetings of the Assembly.

Who to preside.

Quorum.

7. (1) The Dewan shall preside at all meetings of the Assembly and, in his absence, the senior Vice-President or if there be only one such Vice-President, then such Vice-President, shall preside at the meetings of the Assembly and the powers vested in the Assembly shall be exercised only at the meetings of the Assembly at which the President or some one of the Vice-Presidents and not less than seventy members of the Assembly shall be present.

(2) The Assembly shall have the right to divide on all questions on which its opinion is taken.

(3) A meeting of the Assembly may be adjourned by the presiding authority.

Standing orders for the conduct of business.

8. (1) It shall be lawful for the Assembly to make, from time to time, standing orders for the conduct of business and for the procedure to be followed in the Assembly in so far as these matters are not provided for by rules made under this Regulation and so as not to be inconsistent with such rules. The first standing orders shall be made by the Government but may be altered by the Assembly.

(2) Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Regulation shall, to the extent of such repugnancy but not otherwise, be void.

9. (1) When any Bill is proposed to be introduced in the Legislative Council, the general principles underlying it shall first be placed by the Government before the Assembly in the form of a statement and its opinion ascertained. Legislative measures.

(2) Sub-section (1) shall not apply in cases of extreme urgency in which the Government proposes that the ordinary rules of business of the Legislative Council should be suspended and the Bill passed at a single sitting of the Council.

10. No new tax shall be levied in Mysore unless the opinion of the Assembly as to the levy of such tax shall have been ascertained; and notwithstanding anything contained in Sub-section (2) of Section 9, no Bill for the levy of a new tax or the enhancement of any existing tax shall be introduced in the Legislative Council unless the opinion of the Assembly shall have been ascertained under Sub-section (1) of Section 9. Taxation.

11. (1) The annual budget of the estimated expenditure and revenue of the State shall be laid before the Assembly in the form of a statement and the Assembly shall be at liberty to discuss the budget: Budget.

Provided that the proposals of the Government for the appropriation of revenues or other moneys for expenditure on the following heads shall not be open to discussion by the Assembly:—

(i) The Palace, including the staff and household of His Highness the Maharaja;

(ii) The Military Forces of His Highness the Maharaja;

(iii) The pensions of public servants;

(iv) Items of expenditure relating to or affecting—

(*a*) The relations of His Highness the Maharaja with the Paramount Power or with other States;

(*b*) Matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;

(v) Interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;

(vi) Expenditure of which the amount is specified by or under any law.

(2) If any question arises whether any proposed appropriation of revenues or moneys does or does not relate to the above heads of expenditure, the decision of the Dewan-President or, in his absence, of the Vice-President presiding at the time shall be final.

(3) Any member may move a resolution in respect of the budget, provided that it shall have reference only to the general principles and policy underlying the budget and not to any particular grants or appropriations included in the budget. Resolutions on the budget.

12. Subject to such conditions and restrictions as to subject and other matters as may be laid down by rules framed under this Regulation, a member of the Assembly may, at a meeting of the Assembly— Questions, resolutions and representations.

(*a*) ask questions,

(*b*) move resolutions, or

(*c*) submit representations for the consideration of Government,

on any matter of public interest or importance relating to the administration of the State.

A. R. BANERJI,
Dewan.

SCHEDULES.

FIRST SCHEDULE

Rural Areas.

(i) Every Taluk excluding any area comprised under items (ii) and (iii) of this schedule, and any urban area mentioned in the second schedule.

(ii) Every Sub-Taluk excluding any area mentioned in the second schedule.

(iii) The area comprised within the local jurisdiction of the Kolar Gold Field Sanitary Board constituted under Section 35 of the Mysore Mines Regulation IV of 1906.

SECOND SCHEDULE

Urban Areas.

(i) Every City Municipality.
(ii) Every Town Municipality having a population of 5,000 and upwards

THIRD SCHEDULE

Special Interests.

(i) Mysore University.
(ii) Legal Interests.
(iii) European Planting Interest.
(iv) Indian Planting Interest.
(v) Gold Mining.
(vi) Trade and Commerce.
(vii) Inamdars.
(viii) Other special interests, such as Factory Labour, Mining Labour, Industries other than Gold Mining, etc., that may be recognised by Government from time to time in accordance with the rules made in this behalf.

REGULATION No. XIX OF 1923.

(Passed on the 27th day of October 1923.)

THE MYSORE LEGISLATIVE COUNCIL REGULATION.

Preamble.

WHEREAS His Highness the Maharaja has been pleased under a Proclamation issued on the twenty-seventh day of October 1923, to ordain that the Legislative Council shall be invested with enlarged powers and functions, and

WHEREAS it is expedient to make due provision for this and for other purposes,

His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation may be called the Mysore Legislative Council Regulation, 1923.

Commencement.

(2) It shall come into force from the date of its publication in the official gazette.

Regulations repealed.

2. The enactments mentioned in the first schedule hereto are hereby repealed.

But all acts done, orders and notifications issued and proceedings held under these enactments shall be deemed to have been done, issued and held under this Regulation.

Definitions.

3. In this Regulation, unless there be something repugnant in the subject or context,—

(i) "Council" means the Mysore Legislative Council.

(ii) "Office" includes place and employment.

(iii) The expressions "official" and "non-official" where used in relation to any person shall mean respectively a person who is or is not in the civil or military service of the Government.

Provided that rules made under this Regulation may provide for the holders of such offices as may be specified in the rules being deemed to be non-officials for all or any of the purposes of this Regulation.

Composition of the Legislative Council.

4. (1) There shall be a Legislative Council for Mysore consisting of a President, *ex officio* members and additional members, elected or nominated in accordance with the rules made under this Regulation.

(2) The Dewan shall *ex officio* be the President of the Council, and the Members of the Council of His Highness the Maharaja shall *ex officio* be members thereof.

(3) Exclusive of the Dewan and the *ex officio* members, the total strength of the Council shall be fifty. Not less than 60 per cent of this number shall consist of non-official members, and the remainder of official members, nominated by the Government. Not less than two-thirds of the non-official members shall be elected by the Mysore Representative Assembly and by the urban, rural and non-territorial constituencies specified in the second schedule hereto, and the remainder shall be nominated by the Government for the representation of special interests and minorities or for any other cause.

Provided that—

(i) the number of members to be returned by the Mysore Representative Assembly by election shall be eight;

(ii) in the case of any of the special interests mentioned in the second schedule, in the absence of election by a constituency recognised by the Government, the Government may nominate a member to represent such special interest.

Provided further that the Government may, for the purpose of any Bill introduced or proposed to be introduced in the Council, nominate, in addition to the number fixed as aforesaid, not more than two persons having special knowledge or experience of the subject matter of the Bill, and such persons, shall, in relation to the Bill, and for the period for which they are nominated, have and exercise all the rights and privileges of members of the Council.

Duration of the Council.

5. Every Council constituted under Section 4 shall continue for three years from the date of its first meeting.

(i) Provided that the said term may, by notification in the official gazette, be extended by the Government by a period not exceeding one year.

(ii) After the dissolution of the Council, the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Council.

Supplementary provisions.

6. (1) The Government shall have power, from time to time, to make rules not inconsistent with this Regulation, to carry out all or any of the purposes of this Regulation.

(2) Such rules may, among other things, provide for the following matters, namely :—

(*a*) the distribution of seats on the Council between official and non-official and elected and nominated members;

(*b*) the manner of filling casual vacancies occurring by reason of absence from Mysore, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise;

(*c*) the conditions under which and the manner in which persons may be nominated as members of the Council;

(*d*) the qualification of electors, the constitution of constituencies, the number of members to be returned by each constituency, the method of election and any matter incidental or ancillary thereto;

(*e*) the qualification for being and for being nominated or elected as a member of the Council; and

(*f*) the final decision of doubts or disputes as to the validity of any elections and the courts or other authorities by which they are to be decided.

Dewan to appoint time and place of meeting.

7. (1) The Council shall assemble at such times and places as the Dewan may appoint.

Quorum.

(2) In the absence of the President, the Senior *ex officio* Member present or, if there be only one *ex officio* Member present, then such Member, shall preside at the meetings of the Council, and the powers vested in the Council shall be exercised only at the meetings of the Council at which the President or some one of the *ex officio* members and not less than one-half of the total number of members of the Council shall be present.

Casting vote.

(3) All questions before the Council shall be determined by a majority of votes of the members present and voting, including the Dewan or *ex officio* Member presiding. In every case of difference of opinion at a meeting of the Council, whenever there shall be an equality of votes, the Dewan or *ex officoi* Member presiding shall have a second or casting vote.

(4) Any meeting of the Council may be adjourned by the Dewan or *ex officio* Member presiding.

Standing orders for conduct of business.

8. (1) It shall be lawful for the Council to make, from time to time, standing orders for the conduct of business and the procedure to be followed in the Council in so far as these matters are not provided for by rules made under this Regulation, and so as not to be inconsistent with such rules. The first standing orders shall be made by the Government but they may be altered by the Council subject to the assent of the Government.

(2) Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Regulation shall, to the extent of such repugnancy but not otherwise, be void.

Powers of legislation.

9. Subject to the provisions of this Regulation, the Council shall have the power of making Laws and Regulations.

(i) Provided that no measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan.

(ii) Provided further that it shall not be lawful for the Council to consider any measure relating to or affecting—

(*a*) the Ruling Family of Mysore ;

(*b*) the relations of His Highness the Maharaja with the Paramount Power or with foreign Princes or States;

(*c*) Matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;

(*d*) the provisions of this Regulation;

(*e*) the provisions of the Mysore Representative Assembly Regulation No. XVIII, 1923 ; or

(*f*) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

Regulation in matters outside the jurisdiction of Council.

10. In respect of matters excluded from the cognisance of the Council under the second proviso of Section 9 of this Regulation, the Government may frame any measure required and every such measure, if assented to by His Highness the Maharaja, shall have the force of law.

Assent of His Highness the Maharaja necessary to validity of law.

11. When any Bill has been passed by the Council it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Bill shall become law until it receives the assent of His Highness the Maharaja.

Emergent Regulation.

12. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Bill in cases other than those falling under Section 10 of this Regulation in which legislation is emergently required, and every such Bill, if assented to by His Highness the Maharaja, shall have the same force as a Regulation passed through the Council for the space of six months from its promulgation in the official gazette.

Voting on the Budjet.

13. The estimated annual expenditure and revenue of the State shall be laid in the form of a statement before the Council in each year, and the proposals of the Government for the appropriation of revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse to assent, to a demand, or reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed;

Provided as follows:—

(1) (*a*) The Government shall have power, in relation to any such demand, to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the Government considers that the expenditure provided for by the demand is necessary for the carrying on of any department or for the discharge of Government's responsibility.

(*b*) The Government shall have power in cases of emergency to authorise such expenditure as may, in its opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of Government's responsibility.

(2) The proposals of the Government for the appropriation of revenues and other moneys for expenditure on the following heads shall not be submitted to the vote of the Council, nor shall they be open to discussion by the Council:—

(i) The Palace including the staff and household of His Highness the Maharaja;

(ii) The Military forces of His Highness the Maharaja;

(iii) The pensions of public servants ;

(iv) Expenditure—
(*a*) on matters pertaining to or affecting the relations of His Highness the Maharaja with the Paramount Power or with other States; and
(*b*) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;
(v) Interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;
(vi) Expenditure of which the amount is prescribed by or under any law.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Dewan or *ex officio* Member presiding at a meeting shall be final.

Asking of questions and moving of resolutions.

14. Subject to such conditions and restrictions as to subject and other matters as may be imposed by Government by rules framed under this Regulation, any member may
(1) ask questions; and
(2) move resolutions.

Saving clause.

15. No law passed under the authority of this Regulation shall be deemed invalid by reason that the requisite proportion of non-official members was not complete at the time of its consideration at any stage in the Council.

Prerogative of His Highness.

16. Nothing contained in this Regulation shall affect or be deemed to have affected the prerogative right of His Highness the Maharaja to make and pass Regulations independently of the Council, which right is hereby declared to be and to have been always possessed and retained by His Highness.

A. R. BANERJI,
Dewan.